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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,247	11/19/2001	Yun Keung Stanley Tang	401465	8346
23548	7590	06/29/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			WARD, JOHN A	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/988,247

Applicant(s)

TANG, YAN KEUNG STANLEY

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 11-13 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

In view of the appeal brief filed on April 05, 2004, PROSECUTION IS HEREBY  
REOPENED. A new grounds of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the  
following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply  
under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied  
by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,  
1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that  
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public  
use or on sale in this country, more than one year prior to the date of application for patent in the United  
States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Penney  
et al (US 4,345,304).

Regarding claim 1, Penney et al ('304) discloses a rechargeable lamp assembly  
comprising of a casing of a flashlight 20 having a first casing 30 and second casing 22,

24, a lighting unit 32, a battery chamber located inside the second casing (figure 1) a pair of electrical contacts (not labeled) located in the battery chamber, and an electronic voltage regulator 38 within the casing.

In figure 12 a voltage regulating circuit 38 is within the casing (figure 1), having an input end and output end, the voltage regulator circuit regulates the voltage of the battery pack in the battery chamber.

Regarding claim 2, Penny et al shows in figure 1, how the battery pack is insertable into the battery chamber of the second casing.

Regarding claim 3, Penny et al discloses in figure 1 of the casing has an outer surface forming the battery chamber lying substantially flush with the battery pack.

Regarding claim 4, Penny et al discloses in figure 1, how the casing 22, 24 has a lower end forming part of the battery chamber 26 having a bottom opening of the chamber, a battery pack 42.

Regarding claim 5, Penny et al disclose in figure 1 a casing has an upper support 30, a casing having an upper grip 28a located in the middle section of second first casing.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Penney et al as applied to claim 1 above, and further in view of Heskett et al (US 5,908,233).

Regarding claim 10, Penney discloses all the limitations of the claimed invention as cited above, but does not disclose that the voltage of the light bulb is substantially 9.3 volts.

Regarding claim 10, Heskett et al ('233) discloses an auto rechargeable flashlight comprising a first casing 52 and second casing 12, the first casing having a lighting unit 54, the second casing 12 can house the battery used to operate the lighting unit and figure 3 shows a circuit that charges the battery to 9.6 volts.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the rechargeable lamp of Penny et al with auto rechargeable flashlight of Heskett et al in order to provide a base having a plurality of recesses that are able to recharge a battery pack of different voltages as taught by Heskett et al (abstract).

### ***Allowable Subject Matter***

Claims 9 and 11-13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 9, nowhere in the prior art is found a lighting unit having a first and second casing with a bulb having an optimum operating voltage in the first housing and various battery packs located in the second housing, the battery packs operating

between 9.6 volts to 18 volts with a constant output voltage regulator to correspond to the operating voltage of the bulb.

Claims 11-13 are allowed because of its dependency upon claim 9.

Penny et al shows a flashlight having a first and second casing with the battery pack having a means of voltage regulation, but does not teach or suggest the various battery packs located in the second housing, the battery packs operating between 9.6 volts to 18 volts with a constant output voltage regulator to correspond to the operating voltage of the bulb.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

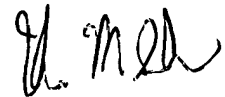
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/988,247  
Art Unit: 2875

Page 6

JAW  
June 14, 2004

John A. Ward  
Patent Examiner

A handwritten signature in black ink, appearing to read 'T M Sember', with a stylized, cursive script.

**THOMAS M. SEMBER  
PRIMARY EXAMINER**